



CITY APPOINTEES
MARY SHARP, VICE CHAIR
BERLIN BOYD
RUSTY LINKOUS
MARGARET PRITCHARD
JAMES TOLES

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST., STE. 466 - MEMPHIS, TENNESSEE 38103 - (901) 576-6619



COUNTY APPOINTEES
JON MCCREERY, CHAIR
CASSANDRA BELL-WARREN
ROBERT NORCROSS
EMILY TRENHOLM
LISA WILBANKS

MINUTES

September 12, 2013

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairperson	Mary Sharp	X	
Member	Cassandra Bell-Warren	X	
Member	Berlin Boyd		X
Member	Rusty Linkous		X
Member	Margaret Pritchard	X	
Member	Robert Norcross		X
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Alt. Member	Frank Colvett, Jr.	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

LUCB Staff: Josh Whitehead, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, Chip Saliba, and Calvin Abram.

Others Present: Charles Baker, John Cameron, Gerald Carter, Ivan Cook, Michael Fahy, Daphne Holmes, Lou Katzerman, Dr. Joy Lewis, Teshaun Moore, Dexter Muller, Frank Palumbo, John Pritchard, Cindy Reaves, Eva Seamans, Delinor D. Smith, Brenda Solomito, Robert Spence, Laurie Stach, Roy Tamboli, Jim Weber, Frances Williams and Tom Wilson.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement. He also acknowledged and welcomed new Board Member Cassandra Bell-Warren to the LUCB.

Secretary's Report

Josh Whitehead noted to the LUCB Board and those from the general public in attendance that there were two agreed upon holds for 30 days and those cases would not be heard. The cases were Agenda Items #21 and #23.

Approval of Minutes: August 8, 2013

Board Member Pritchard made a correction to the minutes on page 7 where her name was listed as a voting member but she was not in attendance for the meeting. Board Member Pritchard then made a motion to approve LUCB minutes from August 8, 2013 with the noted correction. The motion was seconded by Board Member Sharp. The motion passed unanimously.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 through 17 was read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items.

Consent Agenda (Items 1-17)

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|--------------------------|--|
| 1. CASE NUMBER: | <u>S 13-007</u> |
| DEVELOPMENT NAME: | <u>MAE ELLEN CARTER SUBDIVISION</u> |
| Request: | Six (6) lot subdivision to allow single family-attached, semi-attached homes, including a waiver of the extension of Lansford Drive to Ramill Road |
| Staff's Recommendation: | Approval with 3 conditions and 1 waiver |
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| 2. CASE NUMBER: | <u>S.A.C 13-606</u> |
| LOCATION: | <u>ARKANSAS STREET CLOSURE</u> |
| Request: | Close & Vacate Alley Street Right-Of-Way |
| Staff's Recommendation: | Approval with conditions |
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| 3. CASE NUMBER: | <u>S.A.C 13-607</u> |
| LOCATION: | <u>FORT PICKERING STREET & ALLEY CLOSURE</u> |
| Request: | Close & Vacate Alley Street Right-Of-Way |
| Staff's Recommendation: | Approval with conditions |
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| 4. CASE NUMBER: | <u>S.A.C. 13-608</u> |
| LOCATION: | <u>JEFFERSON AVENUE ALLEY</u> |
| Request: | Close & Vacate Alley Street Right-Of-Way |
| Staff's Recommendation: | Approval with conditions |
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| 5. CASE NUMBER: | <u>S.A.C. 13-609</u> |
| LOCATION: | <u>2nd WASHINGTON AVENUE ALLEY</u> |
| Request: | Close & Vacate Alley Right-Of-Way |
| Staff's Recommendation: | Approval with conditions |
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| 6. CASE NUMBER: | <u>S.A.C 13-610</u> |
| LOCATION: | <u>1st WASHINGTON AVENUE ALLEY</u> |
| Request: | Close & Vacate Alley Right-Of-Way |
| Staff's Recommendation: | Approval with conditions |

- 7. CASE NUMBER:** S.A.C. 13-611
LOCATION: WASHINGTON AVENUE
Request: Close & Vacate Street Right-Of-Way
Staff's Recommendation: Approval with conditions
- 8. CASE NUMBER:** S.A.C 13-612
LOCATION: JEFFERSON AVENUE
Request: Close & Vacate Street Right-Of-Way
Staff's Recommendation: Approval with conditions
- 9. CASE NUMBER:** S.A.C. 13-613
LOCATION: JOY PLACE ALLEY
Request: Close & Vacate Alley Right-Of-Way
Staff's Recommendation: Approval with conditions
- 10. CASE NUMBER:** P.D. 06-352 CC
DEVELOPMENT NAME: GARDENS OF GRAY'S HOLLOW II PLANNED DEVELOPMENT
Request: Modification to reduce the total number of single family residential lots by deleting Area 'B' approved for independent senior-living and replacing with single family homes with lots a minimum of 9,600 sq. ft. in area
Staff's Recommendation: Approval with 5 site plan conditions
- 11. CASE NUMBER:** P.D. 07-308
DEVELOPMENT NAME: CORDOVA THE TOWN PLANNED DEVELOPMENT, PHASE I, LOT 137
Request: Reduce the minimum building setback along Cordova Road from 16 feet to 7 feet to accommodate the construction of a pool/spa to the north side of the existing residence at 1256 Cullendale Street
Staff's Recommendation: Approval
- 12. CASE NUMBER:** P.D. 08-303
LOCATION: Southeast corner of Poplar Ave. and Watkins, extending south to Madison Avenue, east to McNeil, and west to within 100 feet of Cleveland Street
Request: Allow a 5 Year Time Extension for the recording of a Final Plat
Staff's Recommendation: Approval with conditions
- 13. CASE NUMBER:** P.D. 08-324 CC
LOCATION: Northwest corner of Walnut Grove & Woodland Lake Drive
Request: Modification of an existing planned development for a Sports Plex

Staff's Recommendation: Approval with conditions

14. CASE NUMBER: **Z 95-102**

DEVELOPMENT NAME: **GERMANTOWN/WOLF RIVER C-P**

Request: Increase the floor area ratio permitted from .25 to .40 for the proposed second phase of the Germantown Mini-Storage facility adjacent to Lowe's

Staff's Recommendation: Approval

15. CASE NUMBER: **Z 09-105**

LOCATION: **Southwest corner of Shelby Drive & Riverdale Road**

Request: Modifications to the Previously Approved General Plan Conditions:

1. Delete requirement for a 3-centered corner radius
2. Revise Landscaping requirements
3. Revise sign requirements

Staff's Recommendation: Approval with conditions

16. CASE NUMBER: **S.D. 13-701**

LOCATION: **Sandbrook and Stonebrook Avenue near Coughlin Dr.**

Request: Dedicate portions of Stonebrook and Sandbrook right-of-way

Staff's Recommendation: Approval

17. CASE NUMBER: **S.A.C. 13-605**

LOCATION: **Coughlin Drive between Brooks and Stonebrook**

Request: Close Coughlin Drive public right-of-way

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if there were any items needed to be removed/pulled for discussion. It was noted to pull Agenda Items 1, 4, 5, 6, 7, 8, 9, 12, 16 and 17 for discussion. Chairman McCreery then asked the board members for a motion to approve Consent Agenda Items 2, 3, 10, 11, 13, 14 and 15. Board Member Wilbanks made a motion to approve Consent Agenda Items 2, 3, 10, 11, 13, 14 and 15 in agreement with staff's recommendation, with the exception of Item 13, which she recused herself from. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Chairman McCreery asked Board Member Wilbanks to read the Consent Agenda Items that were pulled for discussion. She then read the cases.

Item 1: CASE #: **S 13-007**

Request: **MAE ELLEN CARTER SUBDIVISION**
Six (6) lot subdivision to allow single family-attached, semi-attached homes, including a waiver of the extension of Lansford Drive to Ramill Road.

Location: East side of Ramill Road at the western terminus of Lansford Drive

Applicant: H & M Carter, Inc.
Representative for applicant: Frank Palumbo, Doveland Building & Engineering Co.,
5119 Summer Ave., Memphis, TN 38122

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

Gerald Carter, 4869 Fairfield Rd., Memphis, TN 38116

Chairman McCreery noticed that applicant had submitted a new site plan to get approval but made him aware that the Board could only vote on what staff presented. He presented the option to the applicant for the LUCB to vote on what staff presented or resubmit to staff another design. The applicant agreed to the hold.

MOTION: HOLD
MADE BY: Wilbanks
SECOND: Pritchard
AYES: Bell-Warren, Colvett, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and
Chairman McCreery

Item 1 – APPROVED FOR A 30-DAY HOLD

****THE FOLLOWING CASES 4, 5, 6, 7, and 9 were mutually agreed upon between staff and the applicant, so they did not need to be discussed. The LUCB approved the cases with a motion and vote. Board Member Trenholm noted that she opposed Item #7.***

MOTION: Approval (Agenda Items 4, 5, 6, 7 and 9)
MADE BY: Wilbanks
SECOND: Pritchard
AYES: Bell-Warren, Colvett, Pritchard, Sharp, Toles, Wilbanks, and Chairman
McCreery
NAYS: Trenholm (Agenda Item 7)

Item 4, 5, 6, 7 and 9 - APPROVED

Item 8: CASE #: S.A.C 13-612

JEFFERSON AVENUE

Request: Close & Vacate Street Right-Of-Way.
Location: Jefferson Avenue between Watkins Street and McNeil St.
Applicant: TN Poplar Avenue, LLC (Michael Rios)
Representative for applicant: Brenda Solomito, Solomito Land Planning, 2067 Kirby
Parkway, Memphis, TN 38119

MOTION: Approval with Friendly Amendment
MADE BY: Wilbanks
SECOND: Pritchard
AYES: Bell-Warren, Colvett, Pritchard, Sharp, Toles, Wilbanks, and Chairman
McCreery

NAYS: Trenholm
Item 8 - APPROVED

Item 12: CASE #: P.D. 08-303

Request: Allow a 5 Year Time Extension for the recording of a Final Plat.
Location: Southeast corner of Poplar Ave. and Watkins, extending south to Madison Avenue, east to McNeil, and west to within 100 feet of Cleveland Street
Applicant: TN Poplar Avenue, LLC (Michael Rios)
Representative for applicant: Brenda Solomito, Solomito Land Planning, 2067 Kirby Parkway, Memphis, TN 38119

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Jim Weber, 95 Stonewall, Memphis, TN 38104
Dr. Joy Lewis, Women's Physician's Group, 1469 Poplar Ave., Memphis, TN 38104.

MOTION: Approval with Friendly Amendments
MADE BY: Wilbanks
SECOND: Pritchard
AYES: Bell-Warren, Colvett, Pritchard, Sharp, Toles, Wilbanks, and Chairman McCreery
NAYS: Trenholm

Item 12 - APPROVED

***THE FOLLOWING CASES 16 and 17 were called and discussed together but voted on separately.**

Item 16: CASE #: S.D. 13-701

STONEBROOK/SANDBROOK STREET DEDICATION

Request: Dedicate portions of Stonebrook and Sandbrook right-of-way.
Location: Sandbrook and Stonebrook Avenue near Coughlin Drive
Applicant: City of Memphis
Representative for applicant: Pickering Firm, (Bill Woods)

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

John Cameron, City Engineering, 125 N. Main St., Memphis, TN 38103
Dexter Muller, Memphis Chamber of Commerce, 22 N. Front St., Memphis TN 38104.

Chairman McCreery recognized the following people who spoke from the audience in

opposition to the case.

Robert Spence, 40 S. Main, Suite 2200, Memphis TN 38103

Cindy Reaves, SR Consulting, LLC, 5909 Shelby Oaks, Ste. 200, Memphis, TN 38134.

MOTION: Approval with Friendly Amendments
MADE BY: Wilbanks
SECOND: Pritchard
AYES: Bell-Warren, Boyd, Colvett, Pritchard, Sharp, Toles, Wilbanks, and
Chairman McCreery

Item 16 - APPROVED

Item 17: CASE #: S.A.C. 13-605 COUGHLIN DRIVE STREET CLOSING

Request: Close Coughlin Drive public right-of-way.
Location: Coughlin Drive between Brooks and Stonebrook
Applicant: City of Memphis
Representative for applicant: Pickering Firm, (Bill Woods)

Chairman McCreery recognized the following people who spoke from the audience in favor to the case.

John Cameron, City Engineering, 125 N. Main St., Memphis, TN 38103

Dexter Muller, Memphis Chamber of Commerce, 22 N. Front St., Memphis TN 38104.

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Robert Spence, 40 S. Main, Suite 2200, Memphis TN 38103

Cindy Reaves, SR Consulting, LLC, 5909 Shelby Oaks, Ste. 200, Memphis, TN 38134.

MOTION: Approval with Friendly Amendments
MADE BY: Wilbanks
SECOND: Pritchard
AYES: Bell-Warren, Boyd, Colvett, Pritchard, Sharp, Toles, Wilbanks, and
Chairman McCreery

Item 17 - APPROVED

REGULAR AGENDA ITEMS:

Chairman McCreery introduced Board Member Pritchard as Zoning Chair and she then called the first case.

Item 18: CASE #: S.U.P. 13-213

Request: To operate a childcare facility within R-10 Zoning

District.
Location: 1135 Winchester
Applicant: Brian Williams
Representative for applicant: Teshaun Moore, Williams Realty

Chairman McCreery recognized the following people who spoke from the audience in opposition to the case.

Charles Baker, 1111 Twinkletown Rd., Memphis, TN 38116
Eva Seamans, 1110 Twinkletown Rd., Memphis, TN 38116
Daphne Holmes, 888 Twinkletown Rd., Memphis, TN 38116
Frances Williams, 3512 Twinkletown Rd., Memphis, TN 38116

MOTION: Approval with Friendly Amendment and Staff's change in Conditions.
MADE BY: Pritchard
SECOND: Toles
NAYES: Bell-Warren, Colvett, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman McCreery

2nd MOTION: HOLD
MADE BY: Chairman McCreery
SECOND: Colvett
AYES for 2nd Motion: Chairman McCreery
NAYS for 2nd Motion: Bell-Warren, Colvett, Pritchard, Sharp, Toles, Trenholm and Wilbanks

Item 18 - FAILED

*Board Member Bell-Warren left during/after the discussion of this case.

Item 19: CASE #: S.U.P. 13-215

Request: 160 Foot CMCS (Cell Tower).
Location: 2660 Spottswood Avenue
Applicant: Greater Hope Baptist Church
Representative for applicant: Tower Ventures, LLC (Lou Katzerman), 4091 Viscount, Memphis, TN 38118

MOTION: Approval with Friendly Amendment and add'l Condition
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Colvett, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman McCreery

Item 19 - APPROVED

Item 20: CASE #: S.U.P. 13-217

Request: CMCS (Cell Tower).
Location: 677 Phelan Ave; southwest corner of Phelan Avenue and E.H. Crump Boulevard

Applicant: Tower Ventures, LLC
Representative for applicant: Michael J. Fahy, Prime Development Group, 7520 Capital
Dr Ste 200, Germantown, TN 38138

MOTION: Approval with Conditions
MADE BY: Pritchard
SECOND: Sharp
AYES: Colvett, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman
McCreery

Item 20 - APPROVED

Item 21: CASE #: P.D. 13-322

Request: Residential Planned Development.
Location: Allison Avenue (128 feet +/-west of Graham Street)
Applicant: Archimania
Representative for applicant: SR Consulting, (Cindy Reaves)

MOTION: HOLD ON CASE

Item 22: CASE #: P.D. 13-323

**5270 Knight Arnold Road;
KNIGHT ARNOLD FUNERAL SERVICES**

Request: Funeral Services.
Location: North side of Knight Arnold Road and Mendenhall Road
Applicant: Jerry M. Harris & Terry Magee Jr.
Representative for applicant: Delinor D Smith, 3831 Lakehurst Dr., Memphis, TN 38128

MOTION: Approval with Conditions
MADE BY: Pritchard
SECOND: Sharp
AYES: Colvett, Pritchard, Sharp, Toles, Trenholm, Wilbanks, and Chairman
McCreery

Item 22 - APPROVED

Item 23: CASE #: Z 13-107 CO

Request: CMU-2.
Location: Approximately 550 feet, northeast of the intersection of
Austin Peay Highway (SR-14)
Applicant: James I Freudenbert/Richard Freudenbert
Representative for applicant: Homer Branan

MOTION: HOLD ON CASE

Item 24: CASE #: P.D. 13-316

Request:

Location:

Applicant:

Representative for applicant:

COOPER STREET PLANNED DEVELOPMENT

Planned Development allowing Commercial Uses.

51 N. Cooper Street

Overton Square North, LLC (Loeb Properties)

Brenda Solomito (Solomito Land Planning), 2067 Kirby
Parkway, Memphis, TN 38119

Chairman McCreery recognized the following people who spoke from the audience in
opposition to the case.

Tom Wilson, 2096 Lee Place, Memphis, TN 38104

Roy Tamboli, 58 N. Tucker, Memphis, TN 38104

Laurie Stach, 2081 Lee Place, Memphis, TN 38104

Ivan Cook, 2129 Washington, Memphis, TN 38104

John Hayes Pritchard, Sr., 2082 Washington, Memphis, TN 38104

MOTION: Approval with Conditions and a Friendly Amendment

MADE BY: Pritchard

SECOND: Sharp

AYES: Colvett, Sharp, Toles, Trenholm, Wilbanks, and Chairman McCreery

NAYS: Pritchard

Item 24 - APPROVED

ADJOURNMENT:

There being no further business, the meeting there upon was adjourned.

MINUTES APPROVED: 10-10-13

CHAIRMAN

SECRETARY